

A bill to legalize the creation of Van Zandt county, read 3d time and passed by the following vote:

YEAS.—Messrs. Armstrong, Burroughs, Caldwell, Doane, Flanagan, Grimes, Guinn, Hill, Lott, McCulloch, McDade, Maverick, Millican, Palmer, Pirkey, Potter, Russell, Scarborough, Scott, Superviele, Taylor of Cass, Taylor of Fannin, Taylor of Houston, Tuit, Weatherford and White,—26.

NAYS.—Messrs. Bryan and Martin.—2.

On motion of Mr Potter, the Senate adjourned until to-morrow morning, 9 o'clock.

THURSDAY, Dec. 6th, 1855.

The Senate was called to order by the president, pursuant to adjournment—roll called—quorum present.

Journal of yesterday read and adopted.

Mr Millican presented the petition of the heirs of S. Penrod, deceased; referred to committee on private land claims.

Mr Superviele presented the petition of Isabel Seguin y Ruiz; referred to committee on private land claims.

Mr Bryan presented the petition of Thomas Hensworth; referred to committee on private land claims—and the petition of R. Jones; referred to committee on public debt.

Mr Guinn, chairman of the committee on engrossed bills, reported the following bills, correctly engrossed.

"A bill to define more particularly the Western boundary of Milam land district."

"A bill authorising Wm. D. Dillon to practice law"—and:

"A bill to create the sixteenth judicial district, and define the time of holding courts in the same.

Mr Grimes, chairman of the committee on Finance, to which was referred a bill fixing the salary of the Governor, reported the same back, with the following amendment; strike out "three thousand," and insert "twenty-five hundred," and recommended the adoption of the amendment, and passage of the bill.

Mr Potter, chairman of the Judiciary committee, made the following reports:

"The committee on the Judiciary have considered the petition of the heirs of Martin Crow, which prays for a grant of one-third of a league of land, on account of the rights of said Martin Crow, deceased. The petition states that Martin Crow emigrated to Texas in the year 1833, and died in 1834. That he was a single man—that he had not previous to his death received any land as an emigrant, and that the petitioners are his brothers and sisters. The statements contained in the peti-

tion are sufficiently sustained by evidence produced before the committee, but neither the petition nor evidence, shows that the deceased was introduced into the country as a colonist, or that he was received or admitted as such in any colonial enterprise, or that he otherwise by any special right, became entitled to a grant of land as a headright. Had the deceased lived and continued to reside in the country until the Declaration of Texian Independence, he or his heirs would have been entitled to one-third of a league of land as a headright. But under the facts shown in this case the committee are aware of no law which entitled the deceased to land, and none which gives collateral heirs any better right than the deceased had at the time of his death—and we believe we are fully sustained in this view of the question by the decisions of the Supreme court of the State, in the case of Kennedy's heirs vs. the State—2 *Tex.* 108, and the administrator of Creth vs. the Republic 1 *Tex.* 83. The committee therefore instruct me to report the petition back to the Senate, and recommend that it be rejected.

The Judiciary committee, to which was referred A bill defining the times of holding the district courts in the ninth judicial district, report the same back to the Senate, and recommend its passage.

The Judiciary committee, to which was referred A bill to amend an act legalizing the official acts of Wm. H. Steel, commissioner, have considered the same. The real object of the act appears to be the confirmation of titles issued by Steel, after the adoption of the act of the provisional Government of Texas, Nov. 13th, 1835, closing the land offices.

In the opinion of the committee it is not proper for the Legislature to undertake to do this. A clause of the 10th section of the general provisions of the Constitution of the Republic provides—"That all surveys and locations of land made since the act of the late consultation, closing the land offices; and all titles to land made since that time are, and shall be null and void;" and the 20th Sec. of the 7th Art. of the Constitution of the State, provides that—"The rights of property and of action which have been acquired under the constitution and laws of the Republic of Texas shall not be divested, nor shall any rights or actions, which have been divested, barred, or declared null and void by the constitution and laws of the Republic of Texas, be re-invested, revived, or re-instated by this constitution, but the same shall remain precisely in the situation which they were before the adoption of this constitution." The Legislature may make a new grant, but it would look very strange to undertake to make that valid, which the constitution had declared null

and void. The committee therefore instruct me to report the bill back, and recommend its rejection.

Mr Hord, chairman of the committee on State affairs, to which was referred A bill providing for a geological survey of the State, reported a substitute therefor, and recommended its adoption and passage.

Mr Hord, chairman of the same committee, to which was referred the petition of Robert Creuzbeaur, in reference to a new map of the State—reported a bill for that purpose, and recommended its passage; Bill read first time.

Mr Hill, from the committee on private land claims, made the following reports.

The committee on private land claims have considered the petitions of the heirs of Francis Mayher, deceased, asking for a league and labor of land, and instruct me to report—"That it is proven to the satisfaction of the committee that the said Francis Mayher emigrated to Texas as early as 1834—that he was the head of a family, and continued to reside in Texas with his family until his death, which occurred in Bastrop in 1840—that he was engaged in the service of the Republic, and fought in the battle of San Jacinto—that he applied for, and obtained a certificate for one league and labor of land from the board of land commissioners, for the county of Colorado, which was not recommended by the Traveling Board. It seems that in consequence of the death of the ancestor, and the minority of the children, no effort was ever made to re-establish the claim; and the heirs having continued to reside in Texas up to the present time, the committee are of the opinion that they are entitled to the relief sought, and report the accompanying bill, and recommend its passage; bill read first time.

The committee on private land claims have had before them a bill for the protection of actual settlers, and after giving the same a careful examination, have come to the conclusion that if such a law had been in existence long since it would have been the means of preventing much litigation; under the provisions of this law; if passed, locators will act with much caution, and before they make a file on any settler, they must be clearly convinced that the settler has no title. The penalty, in fact, is sufficient to deter any party who is disposed to make files for the sake of forcing compromises from settlers, in many instances preferring to pay the speculator a small amount, rather than go into the courts of the country. It is thought by your committee that if this bill passes, there will be but little more filing by the speculators on the settler. Therefore the committee recommend the passage of the bill.

A majority of your committee on private land claims, to whom was referred the petition of John A. Wells, have had the same under consideration, and find from the evidence, that said Wells emigrated to Texas in Feb. 1837, served a tour in the army, was honorably discharged, obtained his conditional headright certificate as a single man for 640 acres of land, which he located in 1838, and is now actually residing upon it with his family; that he proves to the satisfaction of the committee that he has complied with the requirements of the law, but has not been able to bring two witnesses in person before any board of land commissioners, to prove that he did remain in the country for three consecutive years, in order to obtain his unconditional certificate. I am therefore instructed by a majority of the committee to report the accompanying bill for his relief, and recommend its passage.

A bill for the relief of Jno. A. Wells; read first time.

The committee on private land claims, to whom was referred the petition of Dorothy Benton, have had the same under consideration, and find from the evidence before them, that Alfred Benton, deceased, emigrated to Texas in 1835; was a single man, that he entered the service of Texas as a soldier, was at the battles of San Antonio and San Jacinto, that he died in Texas in 1838, without ever having received his headright certificate for one-third of a league of land to which he was entitled under the laws which were in force at the time of his emigration and death; and therefore have instructed me to report the accompanying bill for the relief of the heirs of the said Alfred Benton, deceased, and recommend its passage.

A bill for the relief of the heirs of Alfred Benton; read first time.

The committee on private land claims have considered the memorial of the heirs of Samuel C. Stockbridge, and find that said Stockbridge emigrated to Texas subsequent to the 2d of March, 1836, and prior to the 1st of October 1837, was a married man, and resided in Texas with his family until his death, and that his family have resided in the country up to the present time; that neither the decedent in his lifetime, nor his heirs since his death, have received land from the Government of Texas. The committee are satisfied that the heirs of said Stockbridge are entitled to a headright of 1280 acres of land, and have instructed me to report the accompanying bill, and recommend its passage.

A bill for the relief of the heirs of Sam. C. Stockbridge; read first time.

Mr Wren, from the committee on private land claims, to which

was referred a bill for the relief of the young men of Lamar and Red River counties, reported the same back to the Senate; and recommended its passage.

Mr Martin, from the committee on State affairs, to which was referred the petition of Margaret Pettigrew, reported a bill authorizing John C., and Margaret Pettigrew to name a certain child; bill read first time.

Mr Palmer, from the Judiciary committee, to which was referred the memorial of Jno. M. Taylor, reported that the said Taylor was certainly entitled to 960 acres of land if not 1280; and to \$492 82 as pay due him for military services. The committee therefore offer the following bill, recommending its passage.

A bill for the relief of John M. Taylor; read first time.

On motion of Mr Palmer, the rule was suspended, the bill read second time, and ordered to be engrossed.

Mr Palmer moved a further suspension—carried; bill read third time and passed.

A message was received from the House, informing the Senate that the House had passed a bill originating in the House, to provide for the payment of the six companies of mounted volunteers, mustered into the service of the State of Texas on the 1st day of Nov. 1854, and to provide for the payment of the balance of expenses incurred by said company.

Mr Scott introduced a bill to incorporate the Trinity valley Railroad company; read first time.

On motion of Mr Taylor of Houston, the rule was suspended, bill read second time, and referred to committee on Internal Improvements.

Mr Palmer introduced a bill for the relief of the heirs of Jno. McCormick; read first time.

Mr Hord introduced a bill to admit to record authentic copies of certain Instruments; read first time.

Mr McCulloch introduced a bill for the relief of Jno. S. Lackey and John C. Martin; read first time.

On motion of Mr McCulloch the rule was suspended, bill read second time, and referred to committee on private land claims.

Mr Allen introduced a bill to confirm the title of certain pre-emption settlers, within the limits of Peters' colony; read first time.

On motion of Mr Allen the rule was suspended, bill read second time, and referred to committee on public lands.

Mr Allen introduced a bill to incorporate Milam Lodge, No. 23, of I. O. O. F.; read first time.

On motion of Mr Allen the rule was suspended, bill read second time, and referred to committee on the Judiciary.

Mr Bryan presented (by leave) the petition of F. De La Garza; referred to committee on private land claims.

Mr Bryan introduced A bill to incorporate the Brazoria county insurance company; read first time.

Mr Pedigo presented (by leave) the petition of P. A. Work; referred to committee on State affairs.

Mr Lott introduced a bill for the purchase of a site, and the erection of a store and ware house, and for other purposes; read first time.

Mr Lott introduced a joint resolution, appropriating \$5,548 70 to meet certain expenses made for the Penitentiary; read first time.

Mr Taylor of Cass introduced a bill to incorporate the Margaret Houston Female College; read first time.

On motion of Mr Taylor of Cass the rule was suspended, bill read second time, and referred to committee on education.

Mr Scott, chairman of the committee on public lands, to which was referred A bill for the relief of pre-emptors—reported a substitute therefor, and recommended the adoption of the substitute, and passage of the bill.

ORDERS OF THE DAY.

The following House bills were severally read first time.

A bill to incorporate Jno. M. Gibson Lodge, No. 13, of the I. O. O. F.

A bill supplemental to an act to incorporate the town of Lagrange, in the county of Fayette.

A bill to provide a permanent and safe building for the use of the State Department, the Executive, and the Attorney General of the State of Texas.

A joint resolution relating to the votes of Senators Rusk and Houston on the Kansas-Nebraska act.

A bill for the relief of R. A. Powdrell.

A bill for the relief of C. M. Goolsby.

A bill to provide for the better security of the archives of the State Department.

A bill to provide for the relief of Kindallis Bryan,

And a bill to provide for the payment of the six companies of mounted volunteers, mustered into the service of the State of Texas on the 1st day of Nov. 1854, and to provide for the payment of the balance of expenses incurred by said companies.

On motion of Mr Allen the rule was suspended, the last bill read second time, and referred to committee on claims and accounts.

The following bills were severally read third time, and passed.

A bill to authorize the county court of Dallas county to levy an additional tax for the purpose of building a court house.

A bill for the relief of Radford Berry.

A bill for the relief of George L. Bledsoe.

A bill supplemental to the act of Dec. 21st, 1837, entitled an act to authorize the clerks of the several courts to appoint deputies, and requiring them to keep their offices at the county seat, and to define the duty of deputy clerks.

A bill for the relief of the heirs and assignees of Thomas Williams.

A bill changing the boundaries of the counties of Calhoun, Victoria, and Refugio, and

A bill creating the county of Wise.

A bill to amend the sixth section of an act to incorporate the towns of Victoria, Goliad, and Gonzales; read third time.

On motion of Mr Potter, the 1st section of the bill was amended by striking out all after the word "Mayor;" the bill then passed.

A bill donating to actual settlers on vacant public domain 320 acres of land; read third time and passed by the following vote:

YEAS—Messrs Allen, Armstrong, Guinn, Lott, Martin, Pedigo, Pirkey, Potter, Russell, Scarborough, Scott, Superviele, Taylor of Cass, Taylor of Houston, Truit, Weatherford, and Wren—17.

NAYS—Messrs Bryan, Burroughs, Caldwell, Doane, Flanagan, Grimes, Hill, McCulloch, McDade, Maverick, Millican, Palmer, Whitaker, and White—14.

On motion of Mr Hill, the vote ordering the engrossment of a bill to define more particularly the Western boundary line of Milam land district on yesterday, was reconsidered.

On motion of Mr Armstrong the caption of the bill was amended by inserting the words "and Northern" after the words "Western."

On motion of Mr Hill, the bill was amended by striking out all after the enacting clause, and inserting "That the Western and Northern boundary lines of the Milam land district are hereby fixed, and shall run with the dividing ridge of the waters of the Brazos and Colorado rivers, to a point lying S. 45 deg. E. of the junction of the Clear Fork of the Brazos river and Elm creek—thence N. 45 deg. W. to the Brazos river—thence down said river; and that the territory in said boundaries shall belong to the Milam land district, and that this act shall take effect from its passage.

On motion of Mr Hill, Mr Taylor of Fannin was excused from attendance on the Senate, on account of sickness.

A bill to create the sixteenth judicial district, and define the times of holding courts therein ; read third time.

On motion of Mr Allen the bill was amended by adding at the end of the third section—"And that all cases of appeal from the decisions of the district court in this district shall be to the branch of the supreme court at the city of Austin ; the bill then passed.

A bill to create the seventeenth judicial district of the State of Texas, and to define the times of holding the district courts therein, read.

Mr Guinn offered the following as a substitute—"A bill to change the sixth and ninth judicial districts, and to define the time of holding courts therein ;" adopted.

The bill was then ordered to be engrossed.

On motion of Mr Flanagan the rule was suspended, bill read third time, and passed by the following vote :

YEAS—Messrs Bryan, Burroughs, Flanagan, Grimes, Guinn, Lott, Millican, Palmer, Pirkey, Potter, Russell, Scott, Superviele, Taylor of Cass, Taylor of Houston, Truit, Weatherford, Whitaker, White and Wren—21.

NAYS—Messrs Armstrong, Caldwell, Hill, McCulloch, Martin, and Maverick—6.

House bill to create the county of Parker, and report of committee on lands, recommending that the same be amended by striking out "Lovejoy" as the name of the county seat, and inserting "Weatherford ;" read, and report adopted.

Mr Armstrong moved to strike out the name of "Parker," and insert that of "Kicakpoo."

Mr Potter called for a division of the question ; carried.

The name of Parker was then struck out,

And on motion of Mr Weatherford the name of "Bedford" was inserted.

On motion of Mr Armstrong the vote adopting the report of the committee was reconsidered, and on motion of Mr Taylor of Cass, the report was laid on the table.

On motion of Mr Weatherford, the name of "Lovejoy," as the county seat was then stricken out, and that of "Covington" inserted in lieu thereof.

On motion of Mr Weatherford, the bill was then amended by adding to section third—"That all settlers twenty-one years old, who have resided within the limits of said county sixty days prior to said election, shall be entitled to a vote for the location of the county seat.

The bill was then passed to a third reading.

A bill more particularly to define the Eastern boundary line of Bastrop county ; read second time, and referred to committee on counties and county boundaries.

Report of the committee on public debt on the petition of Wm. Cravens, Wm. M. Hewett, sen., and Mercer Fane, asking to be discharged from further consideration of the same; read and adopted.

A bill to quiet land titles; read second time, and referred to committee on the Judiciary.

Report of the committee on Finance, on A bill relating to the duties of assessors and collectors of Taxes; read, and ordered to be engrossed.

A bill to incorporate the city of Marshall; read and ordered to be engrossed.

Report of the committee on Internal Improvements, on A bill to incorporate the Texas iron, steel, and copper manufacturing company—read, on motion of Mr Hill the report and bill were laid on the table.

Report of the committee on Internal Improvements on a bill to repeal an act to provide for the construction of the Mississippi and Pacific Railroad company; read, on motion of Mr Flanagan the report and bill were laid on the table until Thursday the 13th inst.

Report of the committee on counties and county boundaries, on A bill to define the limits of Bexar county, recommending its passage, was read.

On motion of Mr Superviele, the first section was amended by striking out after the words "Southwardly along the East line of Medina county," the words "Five miles thence East, Southeasterly to a point ten" and insert "Seven miles thence in a direct line to a point five"

On motion of Mr McCulloch, the bill was laid on the table.

On motion of Mr Guinn, the vote rejecting A bill to muster into service minute men for the protection of the frontier settlements, was reconsidered.

Mr Potter moved to reconsider the vote adopting the report of the majority of the joint select committee.

On motion of Mr Flanagan the motion of Mr Potter was laid on the table.

A bill for the temporary relief of the Galveston, Houston, and Henderson Railroad Company; Read, and referred to committee on Internal Improvements.

A bill to incorporate the Henderson and State line Railroad company; read second time, and referred to committee on Internal Improvements.

Report of the committee on public lands on a bill to confirm titles in the colonies of Austin and Dewitt, offering a substitute therefor—was read and made the special order for Friday the 7th inst., 10 o'clock.

A bill to repeal an act to provide for the issuance of bounty and donation land warrants to persons entitled to the same; read and ordered to be engrossed.

Report of the committee on Education on A bill creating a fund for the erection and support of a State University; read.

Mr Lott moved to strike out "a" and insert "two," wherever the same occurred in the bill.

Mr Bryan moved to lay the amendment on the table—lost by the following vote:

YEAS—Messrs. Bryan, Burroughs, Caldwell, Doane, Grimes, Hill, McDade, Martin, Palmer, Potter, Scarborough, and Superviele, 12.

NAYS—Messrs. Armstrong, Flanagan, Guinn, Lott, McCulloch, Maverick, Millican, Pirkey, Russell, Scott, Taylor of Cass, Tuit, Weatherford, Whitaker, White and Wren, 16.

On motion of Mr Bryan, the report and bill were made the special order for Monday next, the 10th inst., 11 o'clock.

A bill to incorporate Larissa College—read and ordered to be engrossed.

A bill to amend an act to organize county courts, approved March 16th, 1848—read and ordered to be engrossed.

Report of the committee on Education, on a "bill for the relief of the Fowler Institution," recommending that the same be laid on the table—read and adopted.

A bill for the relief of the heirs of John P. Rohers—read and ordered to be engrossed.

Report of the committee on Public Debt, on "a bill making an appropriation for the payment of a portion of the Public Debt," recommending that the same be laid on table, was read and adopted.

Report of the committee on Private Land Claims, on the petition of James M. Robinson, recommending that the same be laid on the table, was read and adopted.

A bill for the relief of the heirs of Wm. Wingate—read and ordered to be engrossed.

A bill to change the name of Martha R. Eppinger, to Martha R. Bonner—read and ordered to be engrossed.

On motion of Mr Guinn, the rule was suspended, bill read third time and passed.

Report of the committee on Public Debt, on a "bill giving the assent of the State of Texas, to an act to provide for the payment of such creditors of the late Republic of Texas, as are comprehended in the act of Congress of September the 9th, 1850, which was passed at the 2nd session of the thirty-third

Congress of the United States, and approved February 28th, 1855, recommending the rejection of the same, was read.

On motion of Mr Potter, the bill and report were made the special order for Wednesday next, the 12th, instant at 11 o'clock.

Mr Potter offered the following resolution :

"Resolved, That the Senate will hold an afternoon session each day, commencing on to-morrow, for the consideration of such parts of the code as shall be before it, and that the afternoon session shall be devoted exclusively to the consideration of the same"—adopted.

On motion of Mr Russell, the Senate adjourned until to-morrow morning, 9 o'clock.

FRIDAY, Dec. 7th, 1855.

The President called the Senate to order, pursuant to adjournment—roll called—quorum present.

The journal of yesterday was read and adopted.

Mr Grimes presented the petition of E Bader—referred to the committee on Private Land Claims.

Mr Wren presented the petition of Abel Morgans—referred to the committee on Public Debt.

Mr McCulloch presented the petitions of W. A. Andros, and James Furguson, and of J R Barleson and Sarah Burleson—referred to the committee on Finance.

Mr Lott presented the memorial of Jas. Jones and Lewis Jones, and the petition of John Graves—referred to the committee on Public Lands.

Mr Hill presented the petitions of Mary Robbins and of Rufus Campbell—referred to the committee on Private Land Claims.

Mr Guinn, chairman of the committee on Engrossed Bills, reported the following bills correctly engrossed :

"A bill to change the 6th and 9th judicial districts, and to define the time of holding courts therein."

"A bill to be entitled, an act for the relief of John N. Taylor."

"A bill to change the name of Martha R Eppinger to Martha R Bonner."

"A bill to define more particularly the Western and Northern boundary of Milam Land District."

"A bill for the relief of the heirs of Wm. Wingate," and

"A bill to repeal an act to provide for the issuance of bounty and donation warrants, to persons entitled to the same."

Mr Martin presented the petition of sundry citizens of Hill county—referred to the committee on Public Lands.